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SOAH DOCKET NO. 473-19-2461

PUC DOCKET NO. 48718

2019 MAR 11 PM 4:28

APPLICATION OF SOUTHWESTERN	§	BEFORE THE STATE OFFICE
PUBLIC SERVICE COMPANY FOR	§	FILING CLERK
AUTHORITY TO IMPLEMENT A NET	§	OF
REFUND FOR OVERCOLLECTED	§	
FUEL COSTS	§	ADMINISTRATIVE HEARINGS

SOAH ORDER NO. 1
FILING DESCRIPTION; NOTICE OF PREHEARING CONFERENCE

I. FILING DESCRIPTION

This case has been assigned to the undersigned Administrative Law Judge (ALJ). All pleadings, correspondence, and similar items should be sent to the undersigned's attention. On September 18, 2018, Southwestern Public Service Company (SPS) filed its Application to Implement a Net Refund for Overcollected Fuel Costs (Application). When the Application was filed, SPS sought authority to implement a net refund of overcollected fuel costs of \$14,497,381.

In Order No. 3, the Commission's ALJ found the application and notice administratively sufficient.¹ On November 28, 2018, SPS filed its Agreed Motion for Interim Relief and Request for Expedited Ruling (Motion for Interim Relief) on behalf of itself and the other parties to this case, Public Utility Commission (Commission) staff (Staff), Texas Industrial Energy Consumers (TIEC), and the Alliance of Xcel Cities (AXM). On November 29, 2018, the Commission's ALJ issued Order No. 5 granting the Motion for Interim Relief. On February 5, 2019, the Commission referred this case to the State Office of Administrative Hearings (SOAH) and requested the assignment of an ALJ.

The Commission has jurisdiction and authority over this proceeding pursuant to Public Utility Regulatory Act §§ 14.001, 32.001, 36.001, 36.203, and 16 Texas Administrative Code

¹ Order No. 3, October 10, 2018.

§§ 25.234-25.237. SOAH has jurisdiction over matters related to the conduct of the hearing in this proceeding pursuant to Texas Government Code § 2003.049.

II. DISCOVERY; FILING REQUIREMENTS

From a review of the Commission's Interchange, it appears that discovery has begun. Nothing in this Order should be read to interfere with that process. As the parties are aware, all pleadings shall be filed with the Commission's filing clerk, not with the SOAH filing clerk.

III. NOTICE OF PREHEARING CONFERENCE

In its Order of Referral, the Commission's sole directive is:

Does the proposed interim fuel refund comply with the applicable requirements of 16 TAC §§ 25.236(e) and 25.237, respectively.²

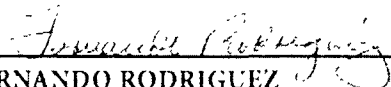
To assist in answering that issue, The ALJ will convene a prehearing conference at **10:00 a.m., Monday, March 25, 2019, at SOAH's hearing facility, William P. Clements Building, 300 W. 15th Street, Fourth Floor, Austin, Texas.** The parties are advised that they must clear security at the security desk on the first floor of the Clements Building and they should allow sufficient time to complete the process. Among the issues to be discussed at the prehearing conference is the establishment of a procedural schedule and the potential length of the hearing on the merits, if one is necessary.

Because the scope of this proceeding appears to be limited, the parties **SHALL** apprise the ALJ no later than **March 18, 2019**, if they believe the proceeding may be resolved other than by a contested case hearing, and/or if they believe the prehearing conference should be postponed to provide the parties additional time to resolve the issues.

² Order of Referral at 1.

Routine procedural and logistical questions may be directed to the ALJs' legal secretary, Erin Hurley, at 512-475-3419 or erin.hurley@soah.texas.gov. SOAH support personnel may not provide advice or interpret orders or regulations for the parties.

SIGNED March 11, 2019.


FERNANDO RODRIGUEZ
ADMINISTRATIVE LAW JUDGE
STATE OFFICE ADMINISTRATIVE HEARINGS